

REMARKS

Claims 1 - 25 are in the application and are presented for consideration. By this Amendment, Applicant has amended claim 1 to address formal issues. Claims 4, 12, 18 and 19 have also been amended for similar reasons. Independent claim 17 has been amended to highlight particular structure of the invention which differs from the prior art. New claim 21 - 25 have been added to highlight further advantageous features of the invention. Claims 9 - 11 and 13 - 16 have been allowed.

Claims 1 - 8, 12, 18 and 19 have been rejected as being indefinite. Applicant has removed the trademark from the claim and instead highlighted the single gear shift gate structure. Further, the phrase housing and/or frame has been replaced by a reference to a device support structure, namely the general frame or housing or other structural feature which is provided according to the combination of claim 1. It is Applicant's position that issues relating to 35 USC § 112, second paragraph have now been addressed. Applicant wishes to thank the Examiner for the careful reading of the claims and for the helpful comments. It is believed that claims 1 - 16 are now in allowable form.

Claims 17 and 19 have been rejected as being anticipated by Anderson.

Anderson et al. (U.S. 5,207,124) discloses a shift control mechanism 10 mounted on a vehicle floor 12, and operatively connected to each of a key cylinder 14 and a transmission 16 via cables 18 and 20, respectively, within respective sheaves 18a and 20a. The shift mechanism 10 includes a housing 22 and a shift lever 24 extending upwardly from a bracket 26 pivotally mounted on a pivot pin 28 therein. The lever 24 is shiftable through Park (P), Reverse (R),

Neutral (N), Drive (D), Third (T), and Low (L) settings (see column 3, lines 7 to 17 of Anderson et al.). A stepped member 60 is slidably mounted around the shift lever 24 by means of a pin 62 extended through an elongated opening 64 formed across the shift lever (see column 3, line 65 to column 4, line 1 of Anderson et al.). Depression of the stepped member 60 is caused by downward depression of a shift rod 88 slidably mounted in the shift lever 24, and abutted against the pin 62, to push the latter downwardly in the elongated hole 64 (see column 4, lines 29 to 33 of Anderson et al.). A lever 90 is pivotally mounted on a pivot pin 92. A finger 96 is formed to extend toward and past the shift lever 24, with a cam surface 98 formed on the upper edge of the finger in sliding engagement with one side 100 of the bottom surface of the stepped member 60. An adjustment feature for the cable 18 from the key cylinder 14 is provided by a second lever 108 also pivotally mounted on the pivot pin 92 (see column 4, lines 42 to 59 of Anderson et al.). The levers 90 and 108 are interlocked such that they move as a unit in response to sliding action between the stepped member 60 and cam surface 98 (see column 5, lines 18 to 23 of Anderson et al.).

Anderson et al. requires that a coupling between a shift rod 88 and a lever 90 (or the finger 96) is provided by the interposition or reliance on the stepped member 60. That is, depression of the step member 60 is caused by the downward depression of shift rod 88.

The invention of claim 17 provides a different approach, namely wherein the coupling between the locking bar 5 and the locking lever 9 is independent from the stopper 8. Specifically, there is the coupling between the locking bar 5 and the locking lever 9 which is established without the interposition of the stopper 8. In a preferred embodiment, this is

provided wherein the coupling between the locking bar 5 and the locking lever 9 is provided by means of a connection part of the locking bar 5, namely the crosspiece 5a. The crosspiece 5a is not coupled to the stopper 8. As such, Applicant's invention as highlighted in claim 17 involves a combination of features which provide a result which is different from Anderson and which is neither taught nor suggested by Anderson et al.

Further, the subject matter of claim 19 defines an arrangement with the guide rails for a linear guiding of the stopper. As can be appreciated from Fig. 7 of Anderson et al., the step member 60 is guided along the arcuate-shaped cover portion 36 of the housing 22 (see also column 3, lines 27 - 30 of Anderson et al.). Such a curved guidance presents a teaching to the person of ordinary skill in the art which does not suggest the linear guidance according to the present invention, particularly in combination with the other features specified. Accordingly, it is Applicant's position that claims 17 - 20 clearly patentably define over the prior art and reconsideration of the rejections in view of the revisions to claims 17 and 19 is requested.

Applicant's new claim 21 highlights features similar to claim 17 and further the relationship between the locking lever and the stopper particularly with the stopper having a contour with a region wherein the course of movement of the locking lever passes through this. The feature that the locking lever 9 is able to pass through the stopper 8 is discussed for example at page 8 of the specification (paragraph [0016]). This is significantly different from the structure of Anderson et al. With Anderson et al., the finger 96 (or the lever 90) is not able to pass through the stepped member 60. This presents a different relationship between the various elements wherein the advantages of the invention are not present including the added

functionality of the invention.

New claim 22 highlights the contour of the stopper 8 being fork-shaped as discussed for example at page 13 (paragraph [0039]) of the specification. In this regard, it is noted that various embodiments are fully disclosed and that the priority application has been incorporated by reference. Accordingly, Applicant notes there is support for the correction of paragraph 16 under the heading SUMMARY OF THE INVENTION wherein the translation included a swapping at times of the terms "stopper and locking lever". As noted, the corrected language is fully supported by the disclosure and specification and the correction can be appreciated from a photocopy of page 5 of the Priority Document wherein the numbers of the elements are added the paragraph at page 5 lines 18 - 24 showing support in the priority application for the correction.

New claim 23 highlights further particulars with regard to the tines of the fork-shaped locker lever being led around the selector lever. This is shown for example in Figure 4.

New claims 24 and 25 highlight an important combination of the invention with the locking lever 9 having small extension arms (9a) at two ends (see for example page 13, paragraph [0039] of the specification) wherein two guideways 8y are arranged at the stopper 8 (see page 14, paragraph 0039] of the specification) and the extension arms 9a of the locking lever 9 are held by the guideways 8a of the stopper 8 outside of the shift position P as discussed for example at page 9, paragraph [0021] and page 16, paragraph [0045] of the specification. These claims highlight important further structural features of the invention which are neither taught nor suggested by the prior art.

Accordingly, Applicant respectfully requests that the Examiner favorably consider claims 17 - 25. As these claims are believed to be patentable and as claims 9 - 16 and 1 - 8 are believed to be in allowable form, it is requested that the application be allowed.

Respectfully submitted
for Applicant,

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Schaltvorrichtung oder über Führungskonturen am Wählhebel in die gewünschte Position zu bewegen. Der Sperrschieber, der im Gehäuse der Schaltvorrichtung vorzugsweise eine lineare Bewegung ausführt, behindert somit die Bewegung des Wählhebels beim Wechseln der einzelnen Fahrstufen wesentlich weniger als eine

5 Kontorführung. Hierdurch wird der Schaltkomfort des Wählhebels bei einer solchen Schaltvorrichtung weiter erhöht.

Eine besonders vorteilhafte Ausführung der Sperrvorrichtung ergibt sich, wenn der Sperrschieber und der Wählhebel jeweils eine Kontur aufweisen, die den Sperrschieber

10 ausschließlich in der Automatikgasse an die Bewegung des Wählhebels koppelt. So kann der Sperrschieber eine Innenkontur aufweisen, die in Bewegungsrichtung des Wählhebels derart ausgeführt ist, dass der Sperrschieber mit dem Wählhebel in Kontakt steht. Wird der Wählhebel zum Beispiel in eine seitliche manuelle Schaltgasse (Tiptronic-Gasse) geschwenkt, so kann die Innenkontur des Sperrschiebers

15 Aussparungen aufweisen, so dass der Wählhebel nicht mehr in Kontakt mit dem Sperrschieber steht.

Aber auch die Kontur des Sperrhebels kann besonders ausgeführt sein. So kann der Sperrhebel gabelförmig ausgeführt werden. Die Zinken des gabelförmigen Sperrhebels

20 können dann besonders platzsparend um den Wählhebel geführt sein. Auch die Kontur des Sperrhebels sollte an die Kontur des Sperrschiebers angepasst sein. In der Schaltposition P sollte der Sperrhebel durch den Sperrschieber hindurchfahren können und dann in anderen Schaltpositionen sollte der Sperrhebel durch den Sperrschieber in einer das Zündschloss sperrenden Stellung gehalten werden.

25 Günstig ist es auch, wenn die Kopplung zwischen Sperrstange und Sperrhebel durch einen Querstift, der unter dem Sperrhebel angreift, gebildet wird. Dieser Querstift kann durch eine Bohrung im Wählhebel geführt werden und kann in einer Bohrung der Sperrstange befestigt sein. Durch den Sperrstift wird zum einen der Sperrhebel beim

30 Drücken der Sperrstange, die ein Herausbewegen des Wählhebels aus der Schaltposition P (Parken) bewirken soll, nach oben mitbewegt. Hierdurch kann der Sperrhebel in eine Sperrstellung bewegt werden, in der das Zündschloss ein Abziehen des Zündschlüssels verhindert. Zum anderen ermöglicht dieser Querstift, dass der Sperrhebel der über dem